

UNITED STATES DISTRICT COURT

MASSACHUSETTS

District of

TIMOTHY MORGAN, Individually and
on Behalf of All Others Similarly Situated,

v.

NETWORK ENGINES INC., JOHN CURTIS,
DOUGLAS G. BRYANT and LAWRENCE A.
GENOVESI,

SUMMONS IN A CIVIL CASE

CASE NUMBER:

03-12529 JLT

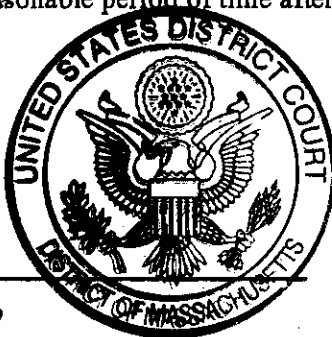
TO: (Name and address of Defendant)

Network Engines Inc.
25 Dan Road
Canton, MA 02021

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Theodore Hess-Mahan
Shapiro Haber & Urmy LLP
75 State Street
Boston, Massachusetts 02109

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.



TONY ANASTAS

CLERK

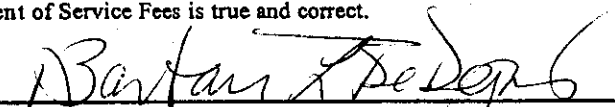
[Signature]

(By) DEPUTY CLERK

DEC 17 2003

DATE

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE JANUARY 14, 2004	
NAME OF SERVER (PRINT) BARBARA L. BEDUGNIS	TITLE CONSTABLE	
<i>Check one box below to indicate appropriate method of service</i>		
<input type="checkbox"/> Served personally upon the defendant. Place where served: _____ _____		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: _____		
<input type="checkbox"/> Returned unexecuted: _____ _____		
<input checked="" type="checkbox"/> Other (specify): <u>BY GIVING SAID COPIES IN HAND TO ATTORNEY PAUL CHRISWALL, AGENT AND PERSON IN CHARGE OF THE BUSINESS AT THE TIME OF SERVICE, WHO ACCEPTED SERVICE ON BEHALF OF NETWORK ENGINES, INC. SAID SERVICE WAS MADE AT NETWORK ENGINES, INC., 25 DAN ROAD, CANTON, MASSACHUSETTS</u>		
STATEMENT OF SERVICE FEES		
TRAVEL \$17.00	SERVICES \$25.00	TOTAL \$42.00
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on <u>JANUARY 14, 2004</u> Date</p> <p style="text-align: center;">  Signature of Server BARBARA L. BEDUGNIS, CONSTABLE %ROSCOE, BEDUGNIS & ASSOCIATES 15 COURT SQUARE, SUITE 450 BOSTON, MASSACHUSETTS 02108 Address of Server </p>		

 NETWORK ENGINES, INC.
 25 DAN ROAD
 CANTON

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.